

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

♦♦

**SWF, L.P. and BBL CONSTRUCTION SERVICES, LLC,
trading as BBL ALBANY GROUP, V,**

Petitioners,

-v-

1:11-CV-1025 (NAM/DRH)

**SPA STEEL PRODUCTS CO., INC., ROBERT KATZMAN,
BOLLAM, SHEEDY, TORANI & CO., LLP, NEW YORK STATE
DEPARTMENT OF LABOR, LUTHER FOREST TECHNOLOGY
CAMPUS ECONOMIC DEVELOPMENT CORPORATION,
SANDELL MANUFACTURING COMPANY, INC., MIDWEST
CANVAS CORP., MARK FAMOSO, MARIA FAMOSO, NEW
YORK STATE DEPARTMENT OF TAXATION AND FINANCE,
NEW YORK STATE TEAMSTERS COUNCIL HEALTH &
HOSPITAL FUND, ALABAMA METAL INDUSTRIES
CORPORATION, INSTEEL INDUSTRIES, INC., DEPARTMENT
OF THE TREASURY, INTERNAL REVENUE SERVICE, NEW
YORK STATE DEPARTMENT OF LABOR, UNEMPLOYMENT
INSURANCE DIVISION, MAPEI CORP., INSULATION
SOLUTIONS, INC., FIVE STAR PRODUCTS, INC., COLONIAL
PLUMBING AND HEATING SUPPLY, INC., SCAFFOLD-RUSS
DILWORTH, LTD., HOHMANN & BARNARD, INC. and
SARATOGA RESTAURANT HOSPITALITY, LLC,**

Respondents.

APPEARANCES:

Segel, Goldman, Mazzotta & Siegel, PC
Jeffrey A. Siegel, Esq., of counsel
9 Washington Square
Washington Avenue Extension
Albany, New York 12205
Attorney for Petitioners

Aaron, Dautch, Sternberg & Lawson, LLP
Francis P. Weimer, Esq., of counsel
43 Court Street, Suite 730
Buffalo, New York 14202
Attorney for Respondent SPA Steel Products Co., Inc.

Jordan & Kelly LLC
J. Anthony Jordan, Esq., of counsel
4 Fisher Street
Greenwich, New York 12834
Attorney for Respondents Mark Famoso and Maria Famoso

Hon. Richard S. Hartunian, United States Attorney
Barbara D. Cottrell, Esq., Assistant United States Attorney
218 James T. Foley U.S. Courthouse
445 Broadway
Albany, New York 12207-2924
Attorney for Respondent United States of America

Hon. Norman A. Mordue, U.S. District Judge:

MEMORANDUM-DECISION AND ORDER

This proceeding to determine adverse claims to real property under N.Y.C.P.L.R. § 5239, commenced in New York State Supreme Court, was removed to this Court by United States of America (sued as Department of the Treasury, Internal Revenue Service), named as a respondent by virtue of a federal tax lien on the property. On September 26, 2012, the United States notified the Court that it had received a check in full satisfaction of the federal tax liabilities in this matter, and that therefore it withdrew its opposition to the petition. By Order to Show Cause dated September 27, 2012, this Court ordered the parties to show cause on or before October 22, 2012 why the United States should not be dismissed as a party and the case remanded to state court. The United States and petitioners consent to such relief (Dkt. Nos. 30, 31); no party has submitted opposition.

It is therefore

ORDERED that all claims against the United States of America, sued as the Department of the Treasury, Internal Revenue Service, are dismissed; and it is further

ORDERED that the case is remanded to New York State Supreme Court, County of Saratoga.

IT IS SO ORDERED.

Date: November 6, 2012
Syracuse, New York


Honorable Norman A. Mordue
U.S. District Judge